

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE
STATE OF NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office SEP 25 1995

Returned to applicant for correction.....

Corrected application filed..... Map filed NOV 02 1995

The applicant Dayton Valley Enterprises, Inc.

604 W. Washington St., Suite D of Carson City
Street and No. or P.O. Box No. City or Town

Nevada, 89703 hereby make.... application for permission to change the
State and Zip Code No.

Point of Diversion & place of Use of a portion
Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under Permit 31041 (Certificate 9550)
Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

identify right in Decree.

1. The source of water is Underground
Name of stream, lake, underground spring or other source.
2. The amount of water to be changed 1.191 cfs (639.84 Ac.Ft.)
Second feet, acre feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for Irrigation & Domestic
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
4. The water heretofore permitted for Irrigation & Domestic
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
5. The water is to be diverted at the following point SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18, T.17N., R.23E., M.D.B.&M.,
Describe as being within a 40-acre subdivision of public survey and by course and
or at a point from which the SE Corner of said Section 18 bears S. 21°55'30"E.,
distance to a section corner. If on unsurveyed land, it should be stated.
a distance of 535.3'
6. The existing permitted point of diversion is located within NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, T.17N., R.23E.,
If point of diversion is not changed, do not answer.
M.D.B.&M., or at a point from which the SW Corner of said Section 17 bears
S. 5°00'00" W., a distance of 2520.0 feet
7. Proposed place of use 7.16 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, T.17N., R.23E., M.D.B.&M.;
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
38.14 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, 39.03 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 37.84 acres in the NE $\frac{1}{4}$
SW $\frac{1}{4}$, 18.43 acres in the W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, 19.36 acres in the W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17,
T.17N., R.23E., M.D.B.&M. - 159.96 acres
8. Existing place of use 39.14 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, 39.03 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 39.03
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or
acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 39.40 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, 19.36 acres in the W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$,
manner of use of irrigation permit, describe acreage to be removed from irrigation. 4.0 acres in W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17,
T.17N., R.23 E., M.D.B.&M. - 179.96 acres. (See Attachment "A")
9. Use will be from January 1 to December 31 of each year.
Month and Day Month and Day
10. Use was permitted from January 1 to December 31 of each year.
Month and Day Month and Day
11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and
specifications of your diversion or storage works.) a drilled & cased well equipped with a pump,
State manner in which water is to be diverted, i.e. diversion structure,
motor, meter and sprinkler system
ditches, pipes and flumes, or drilled well, etc.
12. Estimated cost of works \$25,000.00
13. Estimated time required to construct works 2 years

14. Estimated time required to complete the application of water to beneficial use 5 years
15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

Please refer to Attachment "A"

By s/Greg M. Bilyeu
Sierra Resource Engineering, Inc.
P.O. Box 21910
Carson City, Nevada 89721

Compared cl/jk jr/cms

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of a portion of the waters of an underground source as heretofore granted under Permit 31041, Certificate 9550 is issued subject to the terms and conditions imposed in said Permit 31041, Certificate 9550 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

(CONTINUED ON PAGE 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.191 cubic feet per second, but not to exceed 639.84 acre-feet annually, and not to exceed a yearly duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before April 7, 2000

Proof of completion of work shall be filed before May 7, 2000

Application of water to beneficial use shall be made on or before April 7, 2003

Proof of the application of water to beneficial use shall be filed on or before May 7, 2003

Map in support of proof of beneficial use shall be filed on or before May 7, 2003

SEP 20 2001

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.,
 State Engineer of Nevada, have hereunto set my hand and the seal of my

office, this 7th day of April

A.D. 19 98

[Signature]
 State Engineer

Abrogated By Per 65254-T 0.15
Per 70913-T 0.15 Exp 4-2005

Attachment "A"

15. Remarks.

Applicant is owner of record of a portion of Permit 31041, Certificate 9550, consisting of 1.191 cfs and 639.84 acre-feet appurtenant to 159.96 acres within the existing place of use. The remaining portion of Permit 31041, Certificate 9550, is appurtenant to 20 acres within the E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, T.17N., R.23E., M.D.B. & M. and is in the name of Thomas Eitel.

This application is being filed in order to change the applicant's portion of Permit 31041, Certificate 9550. Specifically this application segregates the applicant's portion of the place of use of Permit 31041, Certificate 9550, transfers his portion of the diversion rate to a new well and also transfers 7.16 acres within the existing place of use of Permit 31041 that is not supplemental to permits 27817 & 31042. The 7.16 acres being stripped under this application will be used within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, T.17N., R.23E., M.D.B. & M.

The total land area being irrigated by the applicant will not increase under this application nor will the diversion rate increase. Upon the issuance of this application there will be 0.149 cfs and 80 acre-feet appurtenant to 20 acres within the E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, T.17N., R.23E., M.D.B. & M. remaining under Permit 31041, Certificate 9550.

This permit limits the irrigation within the SE¼ SE¼ Section 18, T.17N., R.23E., to 7.16 acres and the remaining 152.8 acres is supplemental to Permit 27817, Certificate 9178 and Permit 31042, Certificate 9185.